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EXAMINER

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/945,188
Filing Date: August 31, 2001
Appellant(s): CORNELIUS ET AL.

John C. Freeman
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/15/08 appealing from the Office action mailed 7/18/08.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2002/0068631 A1	Raverdy	12-2000
5,758,126	Daniels	5-1998
6,445,774 B1	Kidder	11-1997

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4, 17, 22 & 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It's unclear to the examiner coordinating the management to what of the technical parameter? What technical parameter the management trying to coordinate?

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-6, 17-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raverdy, Patent No. 2002/0068631 in view of Daniels, Patent No. 5,758,126.

Raverdy teaches the invention substantially as claimed including system and method to support gaming in an electronic network (see abstract).

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5. As to claim 4, Raverdy teaches a method for managing a remote data processing system comprising:

communicating with a remote data processing system associated with a trading partner on at least one technical parameter of the remote data processing system (page 4, paragraph 52 & 58; Raverdy discloses that the method of transferring ownership or certified between trading participants to update or download the appropriate software versions or determined the current version for an updating services), wherein the at least one technical parameter includes information related to operation characteristics of any one of the remote data processing system, the communications network and a base data processing system in communication with the remote data processing system via the communication network (page 3, paragraph 43 – page 4, paragraph 48; Raverdy discloses that the method of providing the communication network information such as user device, bi-directionally communication of the communication network and an I/O interface between system);

receiving a message on the at least one technical parameter via the communication network (figure 6 & 9; page 3, paragraph 37; Raverdy discloses that the method of communicate directly with other user devices to perform various types of procedures);

presenting the message on a user interface for review (figure 8; page 7, paragraph 83-87; Raverdy discloses that the method of presenting the certified history for review).

But Raverdy failed to teach the claim limitation wherein automatically, without user involvement, coordinating the management of the at least one technical parameter for trading partners within a trading group.

However, Daniels teaches customizable bidirectional EDI translation system (see abstract). Daniels teaches the limitation wherein automatically, without user involvement, coordinating the management of the at least one technical parameter for trading partners within a trading group (col 1, lines 20-45; col 2, lines 10-20; col 6, lines 30-60).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Raverdy in view of Daniels so that the system would be able to perform in a simple and inexpensive way. One would be motivated to do so to required minimum human intervention.

6. As to claim 2, Raverdy and Daniels teach the method as recited in claim 4 wherein the communicating comprises polling a remote business-to-business server as the remote data processing system to obtain the at least one technical parameter concerning an operational status of at least one of software and hardware of the remote business-to-business server (page 6, paragraph 73-74; Raverdy discloses that the method of providing the appropriate configuration information to the particular user device corresponding the user profile).

7. As to claim 3, Raverdy and Daniels teach the method as recited in claim 4 wherein the communicating comprises polling a remote business-to-business server at the remote data processing system to obtain the at least one technical parameter of at

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least one of software and hardware of the remote business-to-business server (page 6, paragraph 73-74; Raverdy discloses that the method of providing the appropriate configuration information to the particular user device corresponding the user profile).

8. As to claim 5, Raverdy and Daniels teach the method as recited in claim 4 wherein the at least one technical parameter is selected from the group consisting of:

hardware configuration of the remote data processing system, hardware configuration of the base data processing system, software configuration of the remote data processing system, software configuration of the base data processing system, an installed version of a remote software module, an installed version of a base software module, an installed type of remote software module, an installed type of base software module, operational status data, performance metric data on performance of the remote data processing system, and performance metric data on performance of the base data processing system (page 1, paragraph 15; page 2, paragraph 16; Raverdy discloses that the method of determined the appropriate software version to install to particular user).

9. As to claim 6, Raverdy and Daniels teach the method as recited in claim 4 wherein the at least one technical parameter comprises operational status data of at least one of the remote data processing system, the base data processing system, and the communications network (figure 1; page 2, paragraph 32; Raverdy discloses that the method of present the wireless telecommunication device configuration to a user devices).

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10. As to claim 17, Raverdy teaches a system for managing a remote data processing system comprising:

a managing communications interface for supporting communication with a remote data processing system associated with a trading partner on at least one technical parameter of the remote data processing system (page 4, paragraph 52 & 58; Raverdy discloses that the system of transferring ownership or certified between trading participants to update or download the appropriate software versions or determined the current version for an updating services), wherein the technical parameter data includes information related to operation characteristics of any one of the remote data processing system, the communications network and a base data processing system in communication with the remote data processing system via the communications network (page 3, paragraph 43 – page 4, paragraph 48; Raverdy discloses that the method of providing the communication network information such as user device, bi-directionally communication of the communication network and an I/O interface between system);

monitor for receiving a report message on the at least one technical parameter via the communications network (figure 6 & 9; page 3, paragraph 37; Raverdy discloses that the method of communicate directly with other user devices to perform various types of procedures); and

an interpreter for interpreting, without human intervention, the report message for presentation on a user interface (figure 8; page 7, paragraph 83-87; Raverdy discloses that the method of presenting the certified history for review).

But Raverdy failed to teach the claim limitation wherein automatically, without user involvement, coordinating the management of the at least one technical parameter for trading partners within a trading group.

However, Daniels teaches the limitation wherein automatically, without user involvement, coordinating the management of the at least one technical parameter for trading partners within a trading group (col 1, lines 20-45; col 2, lines 10-20; col 6, lines 30-60).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Raverdy in view of Daniels so that the system would be able to perform in a simple and inexpensive way. One would be motivated to do so to required minimum human intervention.

11. As to claim 18, Raverdy and Daniels teach the system as recited in claim 17 wherein the remote data processing system comprises a remote business-to-business server (page 6, paragraph 73-74; Raverdy discloses that the system of providing the appropriate configuration information to the particular user device corresponding the user profile).

12. As to claim 19, Raverdy and Daniels teach the system as recited in claim 17 wherein a presentation module for preparing a presentation of the report message on the user interface for review (figure 3).

13. As to claim 20, Raverdy and Daniels teach the system as recited in claim 17 wherein the at least one technical parameters is selected from the group consisting of:

hardware configuration of the remote data processing system, hardware configuration of the base data processing system, software configuration of the remote data processing system, software configuration of the base data processing system, an installed version of a remote software module, an installed version of a base software module, an installed type of remote software module, an installed type of base software module, operational status data, performance metric data on performance of the remote data processing system, and performance metric data on performance of the base data processing system (page 1, paragraph 15; page 2, paragraph 16; Raverdy discloses that the system of determined the appropriate software version to install to particular user).

14. As to claim 21, Raverdy and Daniels teach the system as recited in claim 17 wherein the at least one technical parameter comprises operational status data (figure 6).

15. As to claim 22, Raverdy teaches a system for managing a remote data processing system comprising:

wherein the at least one technical parameter data includes information related to operation characteristics of any one of the remote data processing system, the communications network and a base data processing system in communication with the remote data processing system via the communications network (page 3, paragraph 43 – page 4, paragraph 48; Raverdy discloses that the method of providing the communication network information such as user device, bi-directionally communication of the communication network and an I/O interface between system)

a data manager for retrieving reference technical parameter data from a reference parameters storage (page 2, paragraph 16; Raverdy discloses that the system of determined if the security provisions are not adequate for completing, transferring procedure to determined if the user has appropriate encryption software, which means the system has to retrieve the information stored in the server to determined that condition); and

a data processor for determining whether the received technical parameter data of the message complies with the retrieved reference technical parameter data (page 8, paragraph 100; Raverdy discloses that the system of determined whether appropriate versions of encryption software are currently installed to support the transfer procedure between the trading partners).

monitor for receiving a report message on at least one technical parameter of a remote data processing system via the communications network (figure 6 & 9; page 3, paragraph 37; Raverdy discloses that the method of communicate directly with other user devices to perform various types of procedures).

But Raverdy failed to teach the claim limitation wherein the remote data processing system is revised automatically and without intervention of a user when the received technical parameter data does not comply with the retrieved reference technical parameter data.

However, Daniels teaches the limitation wherein the remote data processing system is revised automatically and without intervention of a user when the received

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technical parameter data does not comply with the retrieved reference technical parameter data (col 1, lines 20-45; col 2, lines 10-20; col 6, lines 30-60).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Raverdy in view of Daniels so that the system would be able to perform in a simple and inexpensive way. One would be motivated to do so to required minimum human intervention.

16. As to claim 23, Raverdy and Daniels teach the system as recited in claim 22 wherein a base communications interface adapted to poll the remote data processing system associated with a trading partner on the at least one technical parameter of the remote data processing system (page 6, paragraph 73-74; Raverdy discloses that the system of providing the appropriate configuration information to the particular user device corresponding the user profile).

17. As to claim 24, Raverdy and Daniels teach the system as recited in claim 22 wherein a managing communications interface for sending a revision to the remote data processing system if the data processor determined that the same software modules are not specified in the reference technical parameter data and the received technical parameter data (page 6, paragraph 73-74; Raverdy discloses that the system of uploading an appropriate software version or encryption to the system).

18. As to claim 25, Raverdy and Daniels teach the system as recited in claim 22 wherein a managing communications interface for sending a revision to the remote data processing system if the data processor determined that the same software type of software modules are not specified in the reference technical parameter data and the

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received technical parameter data (page 6, paragraph 73-74; Raverdy discloses that the system of upgrading or updating the appropriate software version or encryption to the system.

19. As to claim 26, Raverdy and Daniels teach the system as recited in claim 22 wherein a managing communications interface for sending a revision to the remote data processing system if the data processor determined that the same version of software modules are not specified in the reference technical parameter data and the received technical parameter data (page 6, paragraph 73-74; Raverdy discloses that the system of upgrading or updating the appropriate software version or encryption to the system.

20. As to claim 27, Raverdy and Daniels teach the system as recited in claim 22 wherein the data processor is coupled to a storage device, the storage device including at least one of a reference parameters storage, a received parameters storage, and an upgrade module storage for storing upgrade software modules (page 6, paragraph 73-74; Raverdy discloses that the system of updating or upgrading version software or encryption for the particular software for the users).

21. As to claim 28, Raverdy and Daniels teach the system as recited in claim 22 wherein the data manager and a user interface support a user's revision of reference parameters of the reference parameters storage to add, delete, or modify at least one software feature of the remote data processing system (figure 3 & 6).

22. As to claim 30, Raverday and Daniels teach the system as recited in claim 22 wherein a user interface in communication with the monitor, wherein the user interface displays a second message based on the determining whether the received technical

parameter data complies with the retrieved reference technical parameter data (figure 2 & 8).

23. Claim 29, 8-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raverdy, Patent No. 2002/0068631 A1 in view of Daniels, Patent No. 5,758,126 and further in view of Kidder, Patent No. 6,455, 774 B1.

Raverdy teaches the invention substantially as claimed including system and method to support gaming in an electronic network (see abstract).

24. As to claim 29, Raverdy teaches a method for managing a remote data, comprising:

wherein the technical parameter data includes information related to operation characteristics of any one of the remote data processing system, the communications network and a base data processing system in communication with the remote data processing system via the communications network (page 3, paragraph 43 – page 4, paragraph 48; Raverdy discloses that the method of providing the communication network information such as user device, bi-directionally communication of the communication network and an I/O interface between system)

retrieving reference technical parameter data from a reference parameters storage based on the message (page 2, paragraph 16; Raverdy discloses that the system of determined if the security provisions are not adequate for completing,

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transferring procedure to determined if the user has appropriate encryption software, which means the method has to retrieve the information stored in the server to determined that condition); and

determining whether the received technical parameter data of the message complies with the retrieved reference technical parameter data (page 8, paragraph 100; Raverdy discloses that the method of determined whether appropriate versions of encryption software are currently installed to support the transfer procedure between the trading partners);

receiving on a monitor a message containing technical parameter data on a remote data processing system via the communications network (figure 6 & 9; page 3, paragraph 37; Raverdy discloses that the method of communicate directly with other user devices to perform various types of procedures);

displaying on a user interface confirmation that the revising has been completed (figure 8; page 7, paragraph 83-87; Raverdy discloses that the method of presenting the certified history for review).

But Raverdy failed to teach the claim limitation wherein automatically revising without user involvement, the remote data processing system should the determining indicates that received technical parameter data of the message does not comply with the retrieved reference technical parameter data; displaying on a user interface confirmation that the revising has been completed.

However, Daniels teaches the limitation wherein automatically revising without user involvement, the remote data processing system should the determining indicates

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that received technical parameter data of the message does not comply with the retrieved reference technical parameter data (col 1, lines 20-45; col 2, lines 10-20; col 6, lines 30-60).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Raverdy in view of Daniels so that the system would be able to perform in a simple and inexpensive way. One would be motivated to do so to required minimum human intervention.

However, Kidder teaches system for automated workflow in a network management and operations system (see abstract). Kidder teaches the limitation wherein displaying on a user interface confirmation that the revising has been completed (col 12, lines 28-50).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Raverdy in view of Kidder so that monitor the activities. One would be motivated to do so to be able to resolve the problems and received the confirmation once the processes completed.

25. As to claim 8, Raverdy, Daniels and Kidder teach the method as recited in claim 29 wherein polling a second remote data processing system that is associated with a trading partner on the technical parameter data of the remote data processing system (page 6, paragraph 73-74; Raverdy discloses that the method of providing the appropriate configuration information to the particular user device corresponding the user profile).

26. As to claim 9, Raverdy, Daniels and Kidder teach the method as recited in claim 29 wherein sending a revision to the remote data processing system if at least one software component of the remote data processing system is noncompliant with the reference technical parameter data (page 6, paragraph 73-74; Raverdy discloses that the method of uploading an appropriate software version or encryption to the system).

27. As to claim 10, Raverdy, Daniels and Kidder teach the method as recited in claim 29 wherein sending an upgrade software module to the remote data processing system if the same types of software modules are not specified in the reference technical parameter data and the received technical parameter data (page 6, paragraph 73-74; Raverdy discloses that the method of upgrading or updating the appropriate software version or encryption to the system).

28. As to claim 11, Raverdy, Daniels and Kidder teach the method as recited in claim 10 wherein installing the upgrade software module after receipt of confirmation that a requisite hardware upgrade for supporting the upgrade software module has been successfully completed (page 6, paragraph 73-74; Raverdy discloses that the method of installing an appropriate software version of encryption to the system).

29. As to claim 12, Raverdy, Daniels and Kidder teach the method as recited in claim 29 wherein delaying a transmission of a revision to the remote data processing system if the same software components are not specified in the reference technical parameter data and the received technical parameter data and if the remote data processing system requires a hardware upgrade to support the revision (page 4, paragraph 52; page 5, paragraph 61; Raverdy discloses that the method of determined if the software

application is outdated and if the software in the system is the right version and will proceed the procedure accordingly).

30. As to claim 13, Raverdy, Daniels and Kidder teach the method as recited in claim 29 wherein sending a desired version of an upgrade software module to the remote data processing system if the same versions of software modules are not specified in the reference technical parameter data and the received technical parameter data (page 6, paragraph 73-74; Raverdy discloses that the method of upgrading or updating the appropriate software version or encryption to the system).

31. As to claim 14, Raverdy, Daniels and Kidder teach the method as recited in claim 13 wherein installing the desired version of the upgrade software module after receipt of confirmation that a requisite hardware upgrade for supporting the desired version of the upgrade software module has been successfully completed (page 6, paragraph 73-74; Raverdy discloses that the method of installing an appropriate software version of encryption to the system).

32. As to claim 15, Raverdy, Daniels and Kidder teach the method as recited in claim 29 wherein delaying a transmission of a desired version of an upgrade software module to the remote data processing system if the same versions of software modules are not specified in the reference technical parameter data and the received technical parameter data and if the remote data processing system requires a hardware upgrade to support the desired version of the upgrade software module (page 4, paragraph 52; page 5, paragraph 61; Raverdy discloses that the method of determined if the software

application is outdated and if the software in the system is the right version and will proceed the procedure accordingly).

33. As to claim 16, Raverdy, Daniels and Kidder teach the method as recited in claim 29 wherein revising the reference parameters storage such that a reference configuration is defined by the technical parameter data and includes a new feature for installation at the remote data processing system (page 5, paragraph 60 & 68; Raverdy discloses that the method of determined the appropriate technical parameter from the user profile and upload or download the various types of information accordingly).

(10) Response to Argument

- Applicant's arguments filed 12/15/08 have been fully considered but they are not persuasive. In response to Applicant's argument, the Patent Office maintains the rejection. A) Applicant stated that the 112 2nd paragraph rejection on "coordinating the management of the at least one technical parameter for trading partners within a trading group" are improper when the Examiner raised question on what technical parameter the system is trying to coordinate with the management? (page 20, paragraph 2); B) Raverdy does not teach "presenting the message on a user interface for review" (page 21, paragraph 2); C) Raverdy and Daniels do not teach or suggest "automatically, without user involvement, coordinating the management of the at least one technical parameter for trading partners within a trading group" (page 22, paragraph 1); D) Raverdy does not teach "delaying a transmission of a revision to the remote data processing

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system if the same software components are not specified in the reference technical parameter data and the received technical parameter data and if the remote data processing system requires a hardware upgrade to support the revision " (page 26, paragraph 3); E) Raverdy does not teach "installing the desired version of the upgrade software module after receipt of confirmation that a requisite hardware upgrade for supporting the desired version of the upgrade software module has been successfully completed". (page 26, paragraph 3

In response to A); Examiner respectfully disagrees. In response to Applicant's argument, the Patent Office maintains the 112 2nd paragraph rejection on "coordinating the management of the at least one technical parameter for trading partners within a trading group" when the Examiner raised question on what technical parameter the system trying to coordinating with the management. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claim limitation failed to disclose what is the management trying to coordinating of the at least one technical parameter automatically? Therefore, the 112 2nd paragraph rejection is proper.

In response to B); Examiner respectfully disagrees. In response to Applicant's argument, the Patent Office maintains the rejection in response to applicant's argument that the references fail to show certain features of

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applicant's invention, it is noted that the features upon which applicant relies (i.e., presenting technical parameter on a user interface for review) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The applicant only claims "presenting the message o a user interface for review". Moreover, Raverdy disclose the method of presenting the information of the activities of the users to review for updating (figure 8; page 7, paragraph 83-87). Therefore, Raverdy discloses the claim limitation "presenting the message o a user interface for review". Therefore, Raverdy meets the claim limitation.

In response to C); Examiner respectfully disagrees. In response to Applicant's argument, the Patent Office maintains the rejection because Raverdy and Daniels do teach "automatically, without user involvement, coordinating the management of the at least one technical parameter for trading partners within a trading group" (col 1, lines 20-45; col 2, lines 10-20; col 6, lines 30-60; Daniels discloses that the method of processing, accessing, generating information required by the business or for trading partner automatically). Moreover, Raverdy and Daniels disclose the method of automatic processed specific standard in the trading partner's computer system without human intervention. Therefore, Raverdy and Daniels meet the claim limitation.

In response to D); Examiner respectfully disagrees. In response to Applicant's argument, the Patent Office maintains the rejection because Raverdy does teach "delaying a transmission of a revision to the remote data processing system if the same software components are not specified in the reference technical parameter data and the received technical parameter data and if the remote data processing system requires a hardware upgrade to support the revision " (page 4, paragraph 52; page 5, paragraph 61; Raverdy discloses that the method of determined if the software application is outdated and if the software in the system is the right version and will proceed the procedure accordingly). Moreover, Raverdy discloses the method of determined if the particular version of the application software is appropriate; if not then the system will have perform an update procedure to determined the right version for the software, it's a delaying process if the software is not updated. Therefore, Raverdy meets the claim limitation.

In response to E); Examiner respectfully disagrees. In response to Applicant's argument, the Patent Office maintains the rejection because Raverdy does teach "installing the desired version of the upgrade software module after receipt of confirmation that a requisite hardware upgrade for supporting the desired version of the upgrade software module has been successfully completed " (page 6, paragraph 73-74; Raverdy discloses that the method of installing an appropriate software version of encryption to the system).

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Moreover, Raverdy discloses the method of checking for the login information along with receiving an access code which would provide appropriate configuration information which is a form of receiving confirmation for the identification of the corresponding user and location. Therefore, Raverdy meets the claim limitation.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Thuong (Tina) T Nguyen/

Examiner, Art Unit 2455

Conferees:

Saleh Najjar

/saleh najjar/

Supervisory Patent Examiner, Art Unit 2455

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